IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 573 OF 2003
IN
APPEAL FROM ORDER NO. 898 OF 2001

Raman Balan Panikar .. Appellant

Vs.

Mumbai Municipal Corporation
for Gr. Mumbai .. Respondents

Mr. V.V. Mishra for appellant.

CORAM: B.H. MARLAPALLE, J.

Date : August 04, 2005.

P.C.:

1. A.O. No.898 of 2001 was admitted by this court on 15/10/2001 and it was directed to be placed for hearing in the week commencing from 5/11/2001. Order of status quo was passed. However, the appeal came to be dismissed in default and the order of status quo was vacated on 3/6/2003. This Civil Application has been filed for restoration of the appeal. While granting Rule by an order dated 11/6/2003, ad-interim relief in terms of prayer clause (b) has been granted, as a result thereof the suit structure is protected from demolition.

2. No reply has been filed by the respondents to this application. The dismissal order was passed on 3/6/2003 and this application has been presented on 11/6/2003. It is thus clear that immediate steps have been taken to apply for restoration of the appeal.

3. The application is, therefore, allowed and rule is made absolute in terms of prayer clauses (a) and (b).

(B.H. Marlapalle,J.)